

**Title 20-A: EDUCATION**  
**Chapter 1: GENERAL PROVISIONS**

**Table of Contents**

**Part 1. GENERAL PROVISIONS.....**

Section 1. DEFINITIONS..... 3

Section 2. POLICY ON PUBLIC EDUCATION..... 11

Section 2-A. WAIVER OF STATE MANDATES (REPEALED)..... 11

Section 3. ADMINISTRATIVE PROCEDURES..... 12

Section 4. RULE OF CONSTRUCTION (REPEALED)..... 12

Section 5. FUNDING OF STATE MANDATES FOR NONEDUCATIONAL  
SERVICES..... 12

Section 6. GENDER EQUITY HEARINGS (REPEALED)..... 12

Section 7. PROPERTY DISPOSAL..... 12

Section 8. RESTRUCTURING PUBLIC SCHOOLS..... 13

Section 9. PUBLIC HIGHER EDUCATION SYSTEMS COORDINATING  
COMMITTEE..... 14

Section 10. EDUCATION RESEARCH INSTITUTE..... 15

Section 11. SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS  
COUNCIL..... 16



**Maine Revised Statutes**  
**Title 20-A: EDUCATION**  
**Chapter 1: GENERAL PROVISIONS**

**§1. DEFINITIONS**

As used in this Title, unless the context indicates otherwise, the following terms have the following meanings. [1981, c. 693, §§5, 8 (NEW).]

**1. Adult education.** "Adult education" means education programs primarily operated for individuals beyond the compulsory school ages and administered by school administrative units.

[ 1981, c. 693, §§5, 8 (NEW) .]

**1-A. Agent.** "Agent" means an individual appointed to serve in the capacity of a superintendent.

[ 2001, c. 588, §1 (NEW) .]

**1-B. Alternative education program.** "Alternative education program" means a program in which the primary purpose is to provide at-risk students with curricula and assessment in a setting designed to effectively meet the student's academic, social and relational needs.

[ 2007, c. 667, §1 (NEW) .]

**1-C. Alternative learning.** "Alternative learning" means an educational option that a public school or publicly supported program offers at-risk students by offering some combination of the following: alternative education programs; small class size; flexible scheduling; relevant alternative curricula and assessment; mentoring adults; skilled teachers; a focus on social, emotional and relationship skills; collaboration among home, school and social service agencies; and any other measures designed to accommodate the needs of at-risk students.

[ 2007, c. 667, §2 (NEW) .]

**2. Approved private school.** "Approved private school" means a private school approved for attendance purposes under chapter 117.

[ 1981, c. 693, §§5, 8 (NEW) .]

**2-A. At-risk student.** "At-risk student" means a student who:

A. Is not meeting the requirements for promotion to the next grade level or graduation from high school; [2007, c. 667, §3 (NEW).]

B. Is at risk for dropping out of school; [2007, c. 667, §3 (NEW).]

C. Is truant; or [2011, c. 614, §2 (AMD).]

D. Is economically disadvantaged as signified by qualification for the National School Lunch Program under 7 Code of Federal Regulations, Part 210 (2007). [2007, c. 667, §3 (NEW).]

[ 2011, c. 614, §2 (AMD) .]

**3. Board of directors.** "Board of directors" means the governing body with statutory powers and duties for a school administrative district.

[ 1981, c. 693, §§5, 8 (NEW) .]

**3-A. Child with a disability.** "Child with a disability" has the same meaning as in section 7001.

[ 2005, c. 662, Pt. A, §4 (NEW) .]

**4. Commissioner.** "Commissioner" means the Commissioner of Education or the commissioner's designee.

[ 1989, c. 700, Pt. A, §45 (AMD) .]

**5. Community school district.** "Community school district" means a state-approved unit of school administration composed of more than one municipality or school administrative district which may provide public education for any combination of kindergarten through grade 12.

[ 1981, c. 693, §§5, 8 (NEW) .]

**6. Cooperative board.** "Cooperative board" means the governing body with statutory powers and duties for a career and technical education region.

[ 1991, c. 2, §53 (COR); 2003, c. 545, §5 (REV) .]

**6-A. Courses of study.** "Courses of study" means the courses of study for the elementary and secondary schools that are in alignment with the system of learning results as established in section 6209 and consistent with the requirements of this Title.

[ 2001, c. 588, §2 (NEW) .]

**7. Department.** "Department" means the Department of Education.

[ 1989, c. 700, Pt. A, §45 (AMD) .]

**8. District board of trustees.** "District board of trustees" means a body with statutory powers and duties for a community school district.

[ 1981, c. 693, §§5, 8 (NEW) .]

**9. District school committee.** "District school committee" means the governing body with statutory powers and duties for a community school district.

[ 1981, c. 693, §§5, 8 (NEW) .]

**10. Elementary school.** "Elementary school" means that portion of a school that provides instruction in any combination of kindergarten through grade 8.

[ 1981, c. 693, §§5, 8 (NEW) .]

**11. Elementary student.** "Elementary student" means a student enrolled in an elementary school.

[ 1981, c. 693, §§5, 8 (NEW) .]

**12. Exceptional student.**

[ 2005, c. 662, Pt. A, §5 (RP) .]

**13. Financial definitions.**

[ 2009, c. 274, §2 (RP) .]

**13-A. Homeless student.** "Homeless student" means a person eligible to attend elementary or secondary school pursuant to section 5201 who:

A. Lacks a fixed, regular and adequate nighttime residence; [1991, c. 608, §1 (NEW).]

B. [2003, c. 477, §1 (RP).]

B-1. Is a child or a youth:

(1) Who is sharing the housing of other persons due to loss of housing or economic hardship or a similar reason; is living in a motel, hotel, trailer park or camping ground due to the lack of alternative adequate accommodation; is living in an emergency or transitional shelter; is abandoned in a hospital; or is awaiting foster care placement;

(2) Who is living in a car, park or public space or in an abandoned building, substandard housing, bus or train station or similar setting;

(3) Who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; and

(4) Who is a migratory child, as defined in Section 1309 of the federal Elementary and Secondary Education Act of 1965, who qualifies as homeless for the purpose of this chapter because the child is living in circumstances described in this section. [2003, c. 477, §2 (NEW).]

C. [2003, c. 477, §3 (RP).]

The term "homeless student" does not include a person housed in a correctional facility, jail or detention facility.

[ 2003, c. 477, §§1-3 (AMD) .]

**14. Joint committee.** "Joint committee" means the governing body with statutory powers and duties for implementing a contract for secondary education under chapter 115.

[ 1981, c. 693, §§5, 8 (NEW) .]

**15. Kindergarten.** "Kindergarten" means a one-year or 2-year childhood education program, for children at least 5 years of age, immediately prior to grade one.

[ 2007, c. 141, §1 (AMD) .]

**16. Local allocation.**

[ 2009, c. 274, §3 (RP) .]

**17. Major capital costs.** "Major capital costs" is defined in section 15672, subsection 18-A.

[ 2005, c. 2, Pt. D, §2 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

**18. Minor capital costs.** "Minor capital costs" is defined in section 15672, subsection 20-A.

[ 2005, c. 2, Pt. D, §2 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

**19. Municipal school unit.** "Municipal school unit" means a state-approved unit of school administration composed of a single municipality.

[ 1981, c. 693, §§5, 8 (NEW) .]

**19-A. Newly incurred capital outlay and debt service.** "Newly incurred capital outlay and debt service" means capital outlay and debt service costs for a school construction project approved for funding by the voters on or after June 1, 1998.

[ 1997, c. 787, §1 (NEW) .]

**20. Parent.** "Parent" means a parent, guardian or legal guardian.

[ 1981, c. 693, §§5, 8 (NEW) .]

**20-A. Previous education unit.** "Previous education unit" means a state-approved unit of school administration that was responsible for operating or constructing public schools prior to the reorganization of school administrative units pursuant to chapter 103-A.

[ 2007, c. 240, Pt. XXXX, §1 (NEW) .]

**21. Principal.** "Principal" means the person who supervises the operation and management of a school and school property as determined necessary by the superintendent under policies established by the school board.

[ 1981, c. 693, §§5, 8 (NEW) .]

**22. Private school.** "Private school" means an academy, seminary, institute or other private corporation or body formed for educational purposes covering kindergarten through grade 12 or any portion thereof.

[ 1981, c. 693, §§5, 8 (NEW) .]

**23. Private school approved for tuition purposes.** "Private school approved for tuition purposes" means a private school approved for the receipt of public funds under sections 2951 to 2955.

[ 1981, c. 693, §§5, 8 (NEW) .]

**23-A. Public preschool program.** "Public preschool program" means a program offered by a public school that provides instruction to children who are 4 years of age.

[ 2007, c. 141, §2 (NEW) .]

**23-B. Publicly supported secondary school.** "Publicly supported secondary school" means:

A. A public secondary school; or [ 2007, c. 240, Pt. XXXX, §2 (NEW) .]

B. A private secondary school approved for the receipt of public funds under chapter 117, subchapter 2 that enrolls 60% or more publicly funded students. [ 2007, c. 240, Pt. XXXX, §2 (NEW) .]

[ 2007, c. 240, Pt. XXXX, §2 (NEW) .]

**24. Public school.** "Public school" means a school that is governed by a school board of a school administrative unit and funded primarily with public funds.

[ 1981, c. 693, §§5, 8 (NEW) . ]

**24-A. Residential placement.** "Residential placement" includes the placement in any children's home licensed pursuant to Title 22, chapter 1669, including:

A. An "emergency children's shelter," which is a facility operated by a corporation and licensed for the purpose of providing board and care to no more than 10 children over the age of 12 years, who may be runaways or abused children or whose well-being is jeopardized by some other crisis or emergency, and providing services to a child for not more than 21 consecutive days, except with special permission; [ 2013, c. 179, §3 (AMD) . ]

B. A "foster home," which is a private home occupied and operated by the owner and licensed to provide 24-hour care for no more than 6 nonrelated children; [ 1985, c. 789, §§1, 9 (NEW) . ]

C. A "specialized children's home," which is a facility licensed to provide care to no more than 4 moderately to severely handicapped children by a caretaker who is specifically educated and trained to provide for the particular needs of each child placed; and [ 1985, c. 789, §§1, 9 (NEW) . ]

D. A "children's residential care facility," which provides board and care for one or more children on a regular, 24-hours-a-day, residential basis. A children's residential care facility does not mean family foster home, specialized children's home or an emergency children's shelter. The term includes, but is not limited to:

(1) A "group home," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing board and care for up to 10 children;

(2) A "residential agency," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing board and care to more than 10 children;

(3) A "residential treatment center," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing therapeutically planned, group living situations within which educational, recreational, medical and sociopsychotherapeutic components are integrated for children whose present handicaps preclude community outpatient treatment;

(4) A "residential treatment facility," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing board, care and treatment for more than 10 moderately to severely handicapped children and which does not contain an educational component; and

(5) A "therapeutic group home," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing board, care and treatment for up to 10 moderately to severely handicapped children. [ 2013, c. 179, §3 (AMD) . ]

[ 2013, c. 179, §3 (AMD) . ]

**24-B. Regional school unit.** "Regional school unit" means the state-approved unit of school administration as established pursuant to chapter 103-A.

[ 2007, c. 240, Pt. XXXX, §3 (NEW) . ]

**24-C. Regional school unit board.** "Regional school unit board" means the board of directors that is the governing body with statutory powers and duties of a regional school unit.

[ 2007, c. 240, Pt. XXXX, §4 (NEW) . ]

**25. School administrative district.** "School administrative district" means a state-approved unit of school administration, composed of one or more municipalities which must provide public education to all public school students in the district.

[ 1981, c. 693, §§5, 8 (NEW) .]

**26. School administrative unit.** "School administrative unit" means the state-approved unit of school administration and includes a municipal school unit, school administrative district, community school district, regional school unit or any other municipal or quasi-municipal corporation responsible for operating or constructing public schools, except that it does not include a career and technical education region. Beginning July 1, 2009, "school administrative unit" means the state-approved unit of school administration and includes only the following:

A. A municipal school unit; [2007, c. 668, §1 (NEW) .]

B. A regional school unit formed pursuant to chapter 103-A; [2007, c. 668, §1 (NEW) .]

C. An alternative organizational structure as approved by the commissioner and approved by the voters; [2009, c. 580, §1 (AMD) .]

D. A school administrative district that does not provide public education for the entire span of kindergarten to grade 12 that has not reorganized as a regional school unit pursuant to chapter 103-A; [2007, c. 668, §1 (NEW) .]

E. A community school district that has not reorganized as a regional school unit pursuant to chapter 103-A; [2007, c. 668, §1 (NEW) .]

F. A municipal or quasi-municipal district responsible for operating public schools that has not reorganized as a regional school unit pursuant to chapter 103-A; [2011, c. 414, §2 (AMD) .]

G. A municipal school unit, school administrative district, community school district, regional school unit or any other quasi-municipal district responsible for operating public schools that forms a part of an alternative organizational structure approved by the commissioner; and [2011, c. 414, §3 (AMD) .]

H. A public charter school authorized under chapter 112 by an entity other than a local school board. [2011, c. 414, §4 (NEW) .]

[ 2011, c. 414, §§2-4 (AMD) .]

**27. School agent.**

[ 2001, c. 588, §3 (RP) .]

**28. School board.** "School board" means the governing body with statutory powers and duties for a school administrative unit.

[ 1981, c. 693, §§5, 8 (NEW) .]

**29. School committee.** "School committee" means the governing body with statutory powers and duties for a municipal school unit.

[ 1981, c. 693, §§5, 8 (NEW) .]

**30. School construction project.** "School construction project" is defined in section 15901, subsection 4.

[ 1981, c. 693, §§5, 8 (NEW) .]



**31. School union.** "School union" means a union composed of school administrative units joined for the purpose of providing joint administrative services, including a joint superintendent.

[ 1981, c. 693, §§5, 8 (NEW) .]

**32. Secondary school.** "Secondary school" means that portion of a school that provides instruction in any combination of grades 9 through 12.

[ 1981, c. 693, §§5, 8 (NEW) .]

**33. Secondary student.** "Secondary student" means a student enrolled in a secondary school.

[ 1981, c. 693, §§5, 8 (NEW) .]

**34. Special school district.** "Special school district" means a school district created by private and special law for the purpose of constructing or adding to school buildings, but which does not have the authority or responsibility for operating public schools.

[ 1981, c. 693, §§5, 8 (NEW) .]

**34-A. State agency client.** "State agency client" means a child of eligible school age who is:

A. In the care or custody, or both, of the Department of Health and Human Services; [ 2003, c. 2, §30 (COR) .]

B. Placed, by a caseworker from the Department of Health and Human Services or an authorized agent of Children's Services, Department of Health and Human Services for reasons other than educational reasons, with a person who is not the child's parent, legal guardian or relative; [1997, c. 326, §1 (AMD); 2001, c. 354, §3 (AMD); 2003, c. 689, Pt. B, §6 (REV) .]

C. [1997, c. 326, §1 (RP) .]

D. Attending a public or private school while still a resident of a state-operated institution; or [ 1997, c. 326, §1 (AMD) .]

E. In the custody or under the supervision of the Department of Corrections, including, but not limited to, a juvenile on conditional release, an informally adjusted juvenile, a probationer or a juvenile on community reintegration status from the Long Creek Youth Development Center or the Mountain View Youth Development Center and who is placed, for reasons other than educational reasons, pursuant to a court order or with the agreement of an authorized agent of the Department of Corrections, outside the juvenile's home. [2003, c. 706, Pt. A, §8 (AMD) .]

Notwithstanding paragraphs A to E, a "state agency client" may in addition be either a child who is under 3 years of age and has a diagnosed, established condition or a biological factor that has a high probability of resulting in developmental delay or a child who is under 6 years of age and in need of early intervention of special education services due to a delay in one or more of the following areas: cognitive development; physical development, including vision and hearing; communication development; social or emotional development; and adaptive development.

[ 2003, c. 2, §30 (COR); 2003, c. 689, Pt. B, §6 (REV); 2003, c. 706, Pt. A, §8 (AMD) .]

**35. State allocation.**

[ 2009, c. 274, §4 (RP) .]

**36. State board.** "State board" means the State Board of Education.

[ 1981, c. 693, §§5, 8 (NEW) .]

**37. State and local allocation.**

[ 2009, c. 274, §5 (RP) .]

**37-A. State valuation.** "State valuation" means the value certified to the Secretary of State as provided in Title 36, section 305, subsection 1.

[ 1985, c. 650, §1 (NEW) .]

**38. Subdistrict.** "Subdistrict" means a geographic area which is a subdivision of a school administrative district for election purposes.

[ 1981, c. 693, §§5, 8 (NEW) .]

**39. Superintendent.** "Superintendent" means the person in a school administrative unit or school union appointed and having the authority and responsibility under this Title and other applicable statutes.

[ 1981, c. 693, §§5, 8 (NEW) .]

**40. Union committee.** "Union committee" means the governing body with statutory powers and duties for a school union.

[ 1981, c. 693, §§5, 8 (NEW) .]

**41. Union school.**

[ 2011, c. 678, Pt. C, §1 (RP) .]

**42. Career and technical education center.** "Career and technical education center" is defined in section 8301-A, subsection 3.

[ 1991, c. 2, §54 (COR); 2003, c. 545, §5 (REV) .]

**43. Career and technical education.** "Career and technical education" is defined in section 8301-A, subsection 2-A.

[ 2003, c. 2, §31 (COR) .]

**44. Career and technical education region.** "Career and technical education region" is defined in section 8301-A, subsection 6.

[ 1991, c. 2, §56 (COR); 2003, c. 545, §5 (REV) .]

**45. Career and technical education satellite program.** "Career and technical education satellite program" is defined in section 8301-A, subsection 8.

[ 1991, c. 2, §56 (COR); 2003, c. 545, §5 (REV) .]

#### SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1985, c. 650, §1 (AMD). 1985, c. 789, §§1,2,9 (AMD). 1987, c. 98, §1 (AMD). 1989, c. 502, §B17 (AMD). 1989, c. 700, §A45 (AMD). RR 1991, c. 2, §§53-56 (COR). 1991, c. 608, §1

(AMD). 1991, c. 716, §6 (AMD). RR 1993, c. 1, §44 (COR). 1993, c. 410, §CCC7 (AMD). 1995, c. 560, §K82 (AMD). 1995, c. 560, §K83 (AFF). 1995, c. 569, §1 (AMD). 1997, c. 326, §1 (AMD). 1997, c. 787, §1 (AMD). 1999, c. 75, §1 (AMD). 1999, c. 401, §J4 (AMD). 2001, c. 354, §3 (AMD). 2001, c. 439, §G6 (AMD). 2001, c. 588, §§1-3 (AMD). RR 2003, c. 2, §§30,31 (COR). 2003, c. 477, §§1-3 (AMD). 2003, c. 545, §5 (REV). 2003, c. 689, §B6 (REV). 2003, c. 706, §A8 (AMD). 2005, c. 2, §D2 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2005, c. 662, §§A4,5 (AMD). 2007, c. 141, §§1, 2 (AMD). 2007, c. 240, Pt. XXXX, §§1-5 (AMD). 2007, c. 667, §§1-3 (AMD). 2007, c. 668, §1 (AMD). 2009, c. 274, §§2-5 (AMD). 2009, c. 580, §§1, 2 (AMD). 2011, c. 414, §§2-4 (AMD). 2011, c. 614, §2 (AMD). 2011, c. 678, Pt. C, §1 (AMD). 2013, c. 179, §3 (AMD).

## §2. POLICY ON PUBLIC EDUCATION

The state policy on public education is as follows. [1981, c. 693, §§5, 8 (NEW).]

**1. State responsibility for public education.** In accordance with the Constitution of Maine, Article VIII, the Legislature shall enact the laws that are necessary to assure that all school administrative units make suitable provisions for the support and maintenance of the public schools. It is the intent of the Legislature that every person within the age limitations prescribed by state statutes shall be provided an opportunity to receive the benefits of a free public education.

[ 1981, c. 693, §§5, 8 (NEW) .]

**2. Local control of public education.** It is the intent of the Legislature that the control and management of the public schools shall be vested in the legislative and governing bodies of local school administrative units, as long as those units are in compliance with appropriate state statutes.

[ 1981, c. 693, §§5, 8 (NEW) .]

### 3. Mandated programs.

[ 1991, c. 847, §1 (RP) .]

#### SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1987, c. 821, (AMD). 1989, c. 501, §P22 (AMD). 1989, c. 502, §D16 (AMD). 1989, c. 534, §E1 (AMD). 1989, c. 878, §A43 (AMD). 1991, c. 9, §III1 (AMD). 1991, c. 429, §1 (AMD). 1991, c. 528, §III23 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §III23 (AMD). 1991, c. 847, §1 (AMD). MRSA T.20A ., §2/3 (AMD).

## §2-A. WAIVER OF STATE MANDATES

*(REPEALED)*

#### SECTION HISTORY

1991, c. 429, §2 (NEW). 1991, c. 847, §§2,3 (AMD).

### §3. ADMINISTRATIVE PROCEDURES

The adopting of rules, conducting of adjudicatory hearings and issuing of licenses by the state board, department or commissioner shall be in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, except as specified in this Title. [1981, c. 693, §§5, 8 (NEW).]

#### SECTION HISTORY

1981, c. 693, §§5,8 (NEW).

### §4. RULE OF CONSTRUCTION

*(REPEALED)*

#### SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1985, c. 737, §C4 (RP).

### §5. FUNDING OF STATE MANDATES FOR NONEDUCATIONAL SERVICES

**1. Definitions.** As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Expenditure" means any local appropriation financed by the property tax, motor vehicle excise tax, state-municipal revenue sharing program or any state reimbursement for revenue lost due to property tax exemptions. [1983, c. 80, (NEW).]

B. "Local unit" means any city, town, plantation or school administrative unit. [1983, c. 80, (NEW).]

C. "Noneducational services" means any service which is not an allowable educational cost under chapter 605. [1983, c. 80, (NEW).]

[ 1983, c. 80, (NEW) .]

**2. Mandates.** The State may not mandate that a school administrative unit implement a new noneducational service after July 1, 1984, unless the State provides sufficient moneys to cover the additional cost of implementing the program.

[ 1983, c. 80, (NEW) .]

#### SECTION HISTORY

1983, c. 80, (NEW).

### §6. GENDER EQUITY HEARINGS

*(REPEALED)*

#### SECTION HISTORY

1989, c. 889, §2 (NEW). 2013, c. 506, §1 (RP).

### §7. PROPERTY DISPOSAL

A school board shall establish a policy for the disposal of personal school property valued at more than \$5,000. The policy must include a provision that member municipalities be notified of any planned property disposal under this section. [1991, c. 119, (NEW).]

#### SECTION HISTORY

1991, c. 119, (NEW).

## §8. RESTRUCTURING PUBLIC SCHOOLS

The commissioner shall encourage school administrative units to pursue an ongoing process of school restructuring as a means of more effectively meeting the learning needs and improving the academic performance of all students. The public and private postsecondary institutions of higher education in the State are urged to cooperate with the department, the state board and school administrative units to provide appropriate and timely professional development programs and other support services to educators employed in public schools engaged in school restructuring efforts. [1991, c. 407, §1 (NEW).]

**1. School restructuring.** For the purposes of this section, the term "school restructuring" means the process by which schools and communities make significant changes in the existing school structure, including the policies, roles, relationships and schedules that influence teaching and learning in the school. School restructuring recognizes the critical educational role of technology and integrates technology and technological systems in the classroom, in school governance and in school record keeping. School restructuring is based on:

- A. The development of comprehensive educational goals establishing community expectations for what all students should know, the skills they should possess, the attitude toward work and learning they should hold upon completing school and the role of the school in the community; [1991, c. 407, §1 (NEW).]
- B. A formal appraisal of the basic structures that govern operation of the school; and [1991, c. 407, §1 (NEW).]
- C. A commitment to revise the basic school structure to achieve the comprehensive educational goals. [1991, c. 407, §1 (NEW).]

School restructuring, which is most effectively carried out at the local level, depends on community and educator involvement and approval and student participation. School restructuring includes consideration of changing roles for parents, students, teachers, administrators, support staff, postsecondary education institutions and officials, and various segments of the community. It may include a significantly broadened role for schools.

School restructuring may include schools and school administrative units combining efforts to cooperatively pursue restructuring activities. When that occurs, one or more schools or units may be designated as demonstration sites.

[ 1991, c. 407, §1 (NEW) .]

**2. Waiver of rules for local schools.** A school administrative unit undergoing school restructuring may request that the commissioner waive the application of specific rules to that unit, or to certain schools in that unit, if such action is necessary to achieve school restructuring. The commissioner shall grant a waiver if the requesting unit, as determined by the commissioner, has:

- A. Demonstrated that one or more state rules prevent or seriously handicap the unit's pursuit of its restructuring goals; [1991, c. 407, §1 (NEW).]
- B. Demonstrated that reasonable steps have been taken to provide the safeguards offered by the rules in question to allow continued educational progress by students and protect the continuity and integrity of the unit and employees of that unit; [1991, c. 407, §1 (NEW).]
- C. Provided evidence that the necessary resources and community and staff support are present to ensure that the restructuring changes requiring the waiver stand a reasonable chance of succeeding; [1991, c. 407, §1 (NEW).]
- D. Informed any bargaining agent or agents representing affected school employees of the waiver request; and [1991, c. 407, §1 (NEW).]
- E. Established a working relationship regarding professional development with an institution of higher education or a professional development service provider. [1991, c. 407, §1 (NEW).]

The request for the waiver must include documentation to substantiate the conditions of this subsection. If the request is denied, the commissioner shall provide the reasons for denying the request to the school unit.

[ 1991, c. 407, §1 (NEW) .]

**3. Waiver of rules for educator preparation programs.** In order to prepare educators to work in restructuring schools, an educator preparation program may request that the state board waive the application of specific rules governing approval of that program. The state board shall grant waiver requests if, in the board's opinion, the program has:

A. Demonstrated that the rules for which a waiver is requested prevent or seriously handicap the program in its pursuit of a plan to meet the educational needs of its students and the staffing needs of restructuring schools; [1991, c. 407, §1 (NEW).]

B. Demonstrated that reasonable steps have been taken to provide the safeguards offered by the rules in question to allow continued educational progress by students and protect the continuity and integrity of the program and employees of that program; [1991, c. 407, §1 (NEW).]

C. Provided evidence that the necessary resources and support from the governing body and staff of an institution of higher education are present to ensure that the changes requiring the waiver stand a reasonable chance of succeeding; [1991, c. 407, §1 (NEW).]

D. Informed any bargaining agent or agents representing affected program employees of the waiver request; and [1991, c. 407, §1 (NEW).]

E. Developed service, research and teaching relationships with one or more restructuring public schools. [1991, c. 407, §1 (NEW).]

The request for the waiver must include documentation to substantiate the conditions of this subsection. If the request is denied, the state board shall communicate the reasons for denying the request to the petitioning program.

[ 1991, c. 407, §1 (NEW) .]

#### SECTION HISTORY

1991, c. 407, §1 (NEW).

## §9. PUBLIC HIGHER EDUCATION SYSTEMS COORDINATING COMMITTEE

**1. Committee established.** The Public Higher Education Systems Coordinating Committee, referred to in this section as "the committee," is established to promote efficiency, cooperative effort and strategic planning between the University of Maine System and the Maine Community College System, referred to in this section as "the systems."

[ 2015, c. 261, §1 (NEW) .]

**2. Membership.** The committee consists of the Chancellor of the University of Maine System, the Chair of the Board of Trustees of the University of Maine System, the President of the Maine Community College System and the Chair of the Board of Trustees of the Maine Community College System. The members of the committee may appoint designees to a subcommittee.

[ 2015, c. 261, §1 (NEW) .]

**3. Duties.** The committee shall seek to achieve greater collaboration and cooperation between the systems in order to address issues including, but not limited to, the following:

A. Improving college affordability; [2015, c. 261, §1 (NEW).]

B. Minimizing or eliminating barriers to student transfer between the systems; [2015, c. 261, §1 (NEW).]

C. Reducing unnecessary duplication of programs between the systems; [2015, c. 261, §1 (NEW).]

D. Identifying opportunities for sharing best practices and individual efficiencies, building cross-system economies of scale and sharing of resources; [2015, c. 261, §1 (NEW).]

E. Recommending changes to state laws that would improve the systems' efficiency or effectiveness; [2015, c. 261, §1 (NEW).]

F. In consultation with the President of the Maine Maritime Academy and the Chair of the Board of Trustees of the Maine Maritime Academy, investigating and pursuing opportunities for collaboration and resource sharing with the Maine Maritime Academy. The committee shall notify the President of the Maine Maritime Academy of committee meetings and agenda items; and [2015, c. 261, §1 (NEW).]

G. In consultation with the commissioner and the chair of the state board, investigating and pursuing opportunities to improve college preparation, transition and completion for Maine's secondary students, including supporting early college opportunities and improving credit transfer between secondary and postsecondary school systems. [2015, c. 261, §1 (NEW).]

[2015, c. 261, §1 (NEW).]

**4. Meetings.** The committee shall meet at least twice each year and the committee members' designees may meet more frequently. The chancellor shall convene the first meeting of the committee by October 15, 2015. The committee shall establish a meeting schedule, and the initial work must include an accounting of the members' prior and current efforts to promote efficiency, cooperative effort and strategic planning between the systems. The committee shall elect a chair from among its members to serve for a term to be determined by the committee.

[2015, c. 261, §1 (NEW).]

**5. Reporting.** The committee shall report succinctly on its deliberations and any recommendations to the Governor and the joint standing committee of the Legislature having jurisdiction over education matters by February 15th each year.

[2015, c. 261, §1 (NEW).]

#### SECTION HISTORY

1995, c. 395, §J1 (NEW). 2003, c. 20, §002 (AMD). 2003, c. 20, §004 (AFF). 2013, c. 368, Pt. DDDDD, §1 (AMD). 2015, c. 261, §1 (RPR).

## §10. EDUCATION RESEARCH INSTITUTE

The Education Research Institute, referred to in this section as the "institute," is established to collect and analyze education information and perform targeted education research for the Legislature. The institute shall create and maintain an information system that tracks important early care and education data for public preschool programs, kindergarten and grades one to 12. The institute shall also conduct exploratory, long-term research on education issues. [2009, c. 540, §1 (AMD).]

**1. Legislature to contract with university.** The Legislature, through the joint standing committee of the Legislature having jurisdiction over education matters, shall contract with the University of Maine System to establish and maintain the institute. Personnel coordinating the work of the institute must be appointed by

the University of Maine System in consultation with the Legislature and those personnel shall consult with and act on behalf of the Legislature, performing such data collection, analysis and research as the Legislature may require.

[ 1995, c. 395, Pt. J, §1 (NEW) .]

**2. Steering committee.** The Education Research Institute Steering Committee, referred to in this section as the "steering committee," is established to advise the Legislature and the University of Maine System on all matters related to the institute. Steering committee members must be appointed by the joint standing committee of the Legislature having jurisdiction over education matters for a term of 2 years. The steering committee shall meet at least 4 times each year and must include one member of each of the following:

- A. The joint standing committee of the Legislature having jurisdiction over education matters; [ 1995, c. 395, Pt. J, §1 (NEW) .]
- B. The Department of Education; [1995, c. 395, Pt. J, §1 (NEW) .]
- C. The State Board of Education; [1995, c. 395, Pt. J, §1 (NEW) .]
- D. The University of Maine System; [1995, c. 395, Pt. J, §1 (NEW) .]
- E. The Maine School Management Association; [1995, c. 395, Pt. J, §1 (NEW) .]
- F. The Maine Education Association; [1995, c. 395, Pt. J, §1 (NEW) .]
- G. The Maine Municipal Association; [2009, c. 540, §2 (AMD) .]
- H. The Maine Principals Association; and [2009, c. 540, §3 (AMD) .]
- I. The Maine Children's Growth Council. [2009, c. 540, §4 (NEW) .]

The steering committee shall elect a chair from among its members to serve a term of 2 years.

[ 2009, c. 540, §§2-4 (AMD) .]

**3. Location and access.** The education information system and research results gathered pursuant to this section must be maintained by the institute at the University of Maine System. The education information system and research results must be available for use by any interested group or individual in the form available from the institute.

[ 1995, c. 395, Pt. J, §1 (NEW) .]

#### SECTION HISTORY

1995, c. 395, §J1 (NEW). 2009, c. 540, §§1-4 (AMD).

## §11. SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS COUNCIL

**1. Establishment; composition.** The Science, Technology, Engineering and Mathematics Council, established in Title 5, section 12004-C, subsection 8 and referred to in this section as "the council," consists of the following 16 members:

A. Five ex officio members:

- (1) The Commissioner of Education or the commissioner's designee;
- (2) The Chancellor of the University of Maine System or the chancellor's designee;
- (3) The President of the Maine Community College System or the president's designee;
- (4) The President of the Maine Maritime Academy or the president's designee; and
- (5) The Commissioner of Labor or the commissioner's designee; and [ 2011, c. 346, §2 (NEW) .]



B. The following 11 members, appointed by the Governor:

- (1) A representative from the University of Maine, Maine Center for Research in STEM Education;
- (2) A representative who teaches in elementary or middle school;
- (3) A representative who teaches science or mathematics in secondary school;
- (4) A representative who teaches in a technical school;
- (5) A representative of public and private education partnerships;
- (6) A representative of a statewide science, technology, engineering and mathematics collaborative;
- (7) Two representatives from the business sector who employ workers with training in science, technology, engineering or mathematics;
- (8) A representative employed in an industry related to science, technology, engineering or mathematics;
- (9) A representative who teaches in an equivalent instruction program that is approved as an alternative to public school as set forth in section 5001-A, subsection 3; and
- (10) A representative from the State Board of Education. [2011, c. 346, §2 (NEW).]

[ 2011, c. 346, §2 (NEW) .]

**2. Terms; vacancy.** The members of the council appointed pursuant to subsection 1, paragraph B serve for 2-year terms and serve until their successors are appointed and qualified. On the expiration of a term of any member, a successor must be appointed to a 2-year term. A member of the council is eligible for reappointment to the council. A vacancy in the council does not impair the right of a quorum of the members to exercise all the rights and perform all the duties of the council. In the event of a vacancy occurring in the membership, the Governor shall appoint a replacement member for the remainder of the unexpired term in the same manner as the original appointment was made.

[ 2011, c. 346, §2 (NEW) .]

**3. Duties.** The council shall develop strategies for enhancing science, technology, engineering and mathematics education from prekindergarten through postsecondary education and:

- A. Review research that has been conducted on science, technology, engineering and mathematics education in the State and recommend strategic directions for consideration by policymakers as they identify future investments in science, technology, engineering and mathematics; [2011, c. 346, §2 (NEW).]
- B. Plan for coordinated state leadership with respect to science, technology, engineering and mathematics education and initiatives; [2011, c. 346, §2 (NEW).]
- C. Develop initiatives to promote science, technology, engineering and mathematics education; [2011, c. 346, §2 (NEW).]
- D. Devise strategies for promoting career and technical education alignment and supporting early career planning and transition supports from high school to college and to the workforce; and [2011, c. 346, §2 (NEW).]
- E. Propose methods for integrating out-of-school programs focused on science, technology, engineering and mathematics with school-based programs, with the goal of inspiring more students to concentrate in the fields of science, technology, engineering and mathematics. [2011, c. 346, §2 (NEW).]

[ 2011, c. 346, §2 (NEW) .]

**4. Chair; vice-chair.** The council shall elect from its membership a chair and a vice-chair. The chair and vice-chair serve for one-year terms. The chair and vice-chair serve until their successors are elected. The chair calls meetings of the council and presides over meetings. The vice-chair serves as the chair in the absence of the chair.

[ 2011, c. 346, §2 (NEW) .]

**5. Meetings; quorum; subcommittees.** The council shall meet at least 2 times each year. The chair shall establish the agenda. A quorum of the council is 9 members. The council may establish subcommittees of no fewer than 3 members.

[ 2011, c. 346, §2 (NEW) .]

**6. Compensation.** Members of the council appointed pursuant to subsection 1, paragraph B are entitled to receive compensation for travel expenses as allowed under Title 5, section 12004-C, subsection 8 while engaged in council activities.

[ 2011, c. 346, §2 (NEW) .]

**7. Assistance.** The executive director established pursuant to subsection 9, the Department of Education, the University of Maine System, the Maine Community College System and the Maine Maritime Academy shall jointly provide staff support to the council.

[ 2013, c. 410, §1 (AMD) .]

**8. Annual report.** By January 15th annually, the council shall submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over education matters.

[ 2011, c. 346, §2 (NEW) .]

**9. Office of executive director.** The council shall establish the office of executive director to provide leadership and management expertise to assist the council in meeting its goals. The council may enter into an agreement, to the extent that public and private funds are available, to contract with an executive director to assist the council in the execution of its duties under this section.

[ 2013, c. 410, §2 (NEW) .]

**10. Funding.** The council may receive and expend funds from public and private sources. Funds must be used to carry out the council's duties and other provisions of this section. State and federal funds received by the council must be held separate and apart from all other money, funds and accounts. Any balance of funds appropriated, allocated or authorized by the Legislature remaining at the end of a fiscal year do not lapse and are carried forward to the next fiscal year to carry out the purposes of this section.

[ 2013, c. 410, §2 (NEW) .]

#### SECTION HISTORY

2011, c. 346, §2 (NEW). 2013, c. 410, §§1, 2 (AMD).

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